

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
)
v.) **Case No. 2:23-cr-153-AMM-GMB**
)
VELIN DANILO VIDEZ-ESTEVES)

ORDER

This case is before the court on Defendant Velin Danilo Videz-Esteves's Motion to Suppress. Doc. 19. On August 1, 2023, the magistrate judge conducted an evidentiary hearing. *See* Doc. 24. On October 11, 2023, the magistrate judge entered a report recommending that the court deny the motion. Doc. 25. Mr. Videz-Esteves has filed objections to that recommendation. Doc. 26.

In his objections, Mr. Videz-Esteves challenges the magistrate judge's factual findings supporting probable cause. *Id.* at 1–10. *First*, Mr. Videz-Esteves argues that the magistrate judge erred when stating that he was “unable to stand without swaying” and exhibited “slurred speech.” *Id.* at 1–7. *Second*, Mr. Videz-Esteves reiterates his argument regarding errors during the administration of the HGN test. *Id.* at 7–10. *Third*, Mr. Videz-Esteves challenges the legal conclusion of probable cause to arrest for driving while impaired based on his objections to the magistrate judge's factual findings. *Id.* at 11–14. These objections are disagreements with the

magistrate judge's weighing of the evidence and ultimate legal conclusion based on that evidence. Because Mr. Videlz-Esteves's objections do not support rejecting the magistrate judge's recommendation, the court **OVERRULES** his objections. Doc. 26.

Having carefully reviewed and considered de novo all the materials in the record, including the report and recommendation and the objections thereto, the court hereby **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendation. Doc. 25. Thus, the court **DENIES** Mr. Videlz-Esteves's Motion to Suppress. Doc. 19.

DONE and **ORDERED** this 11th day of December, 2023.



ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE